

THE HON'BLE SRI JUSTICE N.V. RAMANA

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W.P.No.4968 of 2006

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DATE: 08-11-2006

Between:

SK. Maqdoom

..Petitioner.

And

The APSRTC rep., by its Managing Director,
Musheerabad, Hyderabad and two others.

..Respondents

W.P.No. 4968 of 2006

This writ petition is filed challenging the action of the respondents in not providing alternative post to the petitioner in view of his medical unfitness for the post of Driver as being contrary to the provisions of Section 47 of the Persons with Disabilities (Equal opportunities protection of rights and full participation) Act, 1995 (for short 'the Act').

The petitioner was appointed as Driver in the Corporation in the year 1985. During periodical medical examination he was declared unfit to the job of driver and his request for alternate employment was not looked into by the authorities. However, the petitioner has not mentioned whether he made any application to provide any alternative employment.

Heard the learned counsel for the petitioner and the learned
Standing Counsel for the respondents-APSRTC.

Learned counsel for the petitioner submitted that in terms of Section 47 of the Act, the respondents are under an obligation to provide alternative employment and placed reliance on judgment of this Court in **N.Siva Kumar v. APSRTC, Musheerabad and others**¹.

This court in **N. Siva Kumar's** case considered similar issue and directed the authorities to consider the case of the employee in the light of the provisions of the Act for alternative employment. The relevant portion reads as under:

“Having regard to the fact that a right has been conferred upon the appellant herein under a statute, although the question raised herein has not been raised before the learned single Judge, we, in modification of the order passed by the learned single Judge, direct the appellant herein to file a representation, if not already filed, before the appropriate authority seeking the relief prayed for in this appeal, and on receipt of such a representation, the appropriate authority may consider the case of the appellant in the light of the aforementioned provisions and the decisions referred to hereinbefore, and pass an appropriate order at an early date, preferably within a period of four (4) weeks from the date of communication of this order.”

In the circumstances, the petitioner is permitted to make a representation, if not already made, and on making such representation seeking alternative employment as per Section 47 of Act, the respondents are directed to pass appropriate speaking orders in accordance with law particularly in the light of Section 47 of the Act, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order.

With the above direction, the writ petition is disposed of. No costs.

N.V. RAMANA, J

Dated: 08 -11-2006
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¹ 2001 (3) ALD 166 (DB)

